

APPEAL NO. 020334
FILED MARCH 25, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 10, 2002. The hearing officer determined that, while in the course and scope of employment, the respondent (claimant) sustained a compensable injury on _____. The appellant (self-insured) appealed, contending essentially that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be manifestly unjust. The claimant filed a response, urging affirmance.

DECISION

Affirmed.

The claimant testified that she was employed as a schoolteacher for over 25 years and that the employer expected her classroom to be kept neat and clean. In evidence are four affidavits from teachers and principals attesting that "[p]icking up trash between classes and straightening up is an expected part of the job description of a teacher in the School District." The claimant stated that on _____, as she was straightening chairs and cleaning the classroom, she bent over to pick up a piece of paper on the floor and felt pain to her low back. A Work Status Report (TWCC-73) dated May 14, 2001, states that Dr. H diagnosed the claimant with a low back sprain. The claimant contends that she was injured in the course and scope of her employment performing her expected duties. The self-insured's arguments against compensability include the contentions that the claimant was performing an ordinary daily activity, that her injury was the result of a repetitive activity, and that she failed to adduce expert medical evidence on causation.

The hearing officer did not err in determining that, while in the course and scope of her employment and in the furtherance of the business of her employer, the claimant suffered damage or harm to her back on _____, when she bent over to pick up a piece of paper. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves conflicts in the evidence and may believe all, part, or none of the testimony of any witness. Texas Workers' Compensation Commission Appeal No. 950084, decided February 28, 1995. Nothing in our review of the record indicates that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(SELF-INSURED), a governmental entity insured through TEXAS ASSOCIATION OF SCHOOL BOARDS RISK MANAGEMENT FUND** and the name and address of its registered agent for service of process is

**JH
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Philip F. O'Neill
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Judge